

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNATHAN JOHNSON

Plaintiff,

-v.-

Civil Action No.
9:11-cv-386 (GLS/CFH)

TRUDY LYNN-CARON, Correction Counselor,
Upstate Correctional Facility

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JOHNATHAN JOHNSON
89-A-1042
Plaintiff *Pro Se*
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

FOR THE DEFENDANT:

HON. ERIC SCHNEIDERMAN
Office of the Attorney General
State of New York
The Capitol
Albany, New York 12224-0341

ADRIENNE J. KERWIN, ESQ.
Assistant Attorney General

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following an Amended Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed June 17, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed¹, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Amended Report-Recommendation of Magistrate Judge Christian F. Hummel filed June 17, 2013 (Dkt. No. 96) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that defendant's motion for summary judgment (Dkt. No. 87) is GRANTED; and it is further

ORDERED that Johnson's motion for a judgment of civil contempt (Dkt. No. 84) is DENIED; and it is further

ORDERED that Johnson's complaint (Dkt. No. 1) is DISMISSED and

¹ On June 26, 2013, the plaintiff filed a letter seeking to withdraw this action. (Dkt. No. 98). On September 18, 2013, the court issued a text order denying that request and permitted the plaintiff an additional ten days from the service of the text only order to file an objection to Judge Hummel's Report-Recommendation dated June 17, 2013, (Dkt. No. 96). Despite the passage of the due date, the plaintiff has failed to file any objections to the report-recommendation.

the Clerk is directed to close the case; and it is further

ORDERED that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: September 30, 2013
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court